IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE GODA RAGHURAM
AND
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 545 OF 2005

Dated : JUNE 15, 2007

Between:

GVM Gupteswara Rao and another

Petitioners

AND

The High Court of Andhra Pradesh, Hyderabad,
Rep. By its Registrar Administration and another

Respondents

THE HON'BLE MR. JUSTICE GODA RAGHURAM
AND
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 545 OF 2005

ORAL ORDER: **(*per the Hon'ble Sri Justice Goda Raghuram*)**

The petitioners were appointed as Attenders in the Judicial Unit of Srikakulam on 2.2.1998 in the A.P. Last Grade Service. The petitioners not only had graduate qualification but also acquired by the date of recruitment itself Shorthand lower and Typewriting Higher qualifications. On 14.6.2004, they were asked to work as Personal Assistants to the respective unit officers i.e. Junior Civil Judge, Palasa and Junior Civil Judge, Ichapuram. The District Court appears to have addressed the first respondent for continuance of the petitioners in the category of Personal Assistants (Steno-Typists) in the respective units they were working. The first respondent by order dated 31.12.2004 declined to ratify the action of the second respondent in appointing the petitioners by transfer from the Last Grade Service as Steno-Typists, on adhoc basis to meet the exigency of work namely vacancies in the post of Steno-Typists.

Sri G.Vidya Sagar, the learned counsel for the petitioners would contend that Rule 27 of the A.P. Judicial Ministerial Service Rules, 2003 (issued in GO Ms. No. 129 Law Department dated 12.11.2003) enables temporary promotion from a lower category in the service in a context where it is so necessary in the

public interest, owing to emergency that a post be immediately filled up in the cadre of higher category of the service or where there would be undue delay in making promotions in accordance with Rules.

Rule 27 is has no application to the case of the petitioners. The petitioners were substantively appointed as Attenders in the Last Grade Service and they do not hold any post in the A.P. Judicial Ministerial Service, which could be construed to be a post lower to the post of Personal Assistant (Steno Typist). The posts of Personal Assistant are in category 5 of the A.P. Judicial Ministerial Service. The last category of service enumerated in the composition of A.P. Judicial Ministerial Service is Field Assistant (formerly Amins, Bailiffs). As the petitioners are not holding any of the posts in any category of the A.P. Judicial Ministerial Service, Rule 27 is inapplicable.

As the petitioners could not have been appointed, even temporarily as Personal Assistants (Steno Typists) under any extant legal architecture, the first respondent, has rightly by the proceedings 31.12.2004, declined to ratify the illegal administrative action of the second respondent. This court discerns no infirmity in the order

of the first respondent warranting interference. The writ petition is accordingly dismissed. No order as to costs.

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Goda Raghuram, J.

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S.Ananda Reddy, J.

June 15, 2007
MAS